



# THE MALAWI GOVERNMENT GAZETTE

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### GENERAL NOTICE No. 16

#### IN THE HIGH COURT OF MALAWI

Lilongwe District Registry

Miscellaneous Civil Cause No. 84 of 2009

In the matter of Collins Monte Ng'ambi (now deceased)  
and

In the matter of section 23A of the Corrupt Practices Act  
and in the matter of an Application for Discharge of the Seizure  
Order

by the Administrator of the Estate of Collins Monte Ng'ambi

#### Notice of an Application for a Confiscation Order

(Pursuant to Regulation 3 (1) (e) of the Corrupt Practices Act, section 60 as read with section 52 (3) of the Money Laundering Proceeds of Serious Crime and Terrorist Financing Act, 2006, and the Judgment by MKANDAWIRE J. dated 25th of July, 2017).

TAKE NOTICE that the Director of Anti-Corruption Bureau made an application for a confiscation order of eight (8) houses of COLLINS MONTE NG'AMBI (deceased) for being tainted property.

TAKE FURTHER NOTICE that pursuant to section 52 (3) (b) of the Money Laundering Proceeds of Serious Crime and Terrorist Financing Act, the court ordered publication of this application for the benefit of those who may have an interest or a claim in the property. Those with an interest in the property should immediately approach the court with their claims. The court shall soon set a date for hearing of this application and the Affidavit of CHRISPIN KHUNGA enclosed will be read in support of this application.

Dated this day of 8th day of March, 2018.

Anti-Corruption Bureau

### GENERAL NOTICE No. 17

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In the matter of section 23A of the Corrupt Practices Act  
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#### Affidavit in support of an application for a Confiscation Order

I, CHRISPIN KHUNGA, Public Prosecutor in the Anti-Corruption Bureau (ACB), of Private Bag 170, Blantyre, MAKE OATH and STATE as follows—

1. THAT I am of full age.

2. THAT the Director of ACB is a party to these proceedings and has duly authorized the deponent to swear this Affidavit on his behalf and on behalf of the Anti-Corruption Bureau.

3. THAT I depone to facts from my personal knowledge and some as provided to me by colleagues within the ACB, and I verily believe the same to be true to the best of my knowledge.

#### Seizure Order

4. THAT on 4th September, 2008, the ACB received a complaint alleging that some Malawians were assisting asylum seekers with information regarding how they could enter Malawi through Songwe boarder and other places in Chitipa. These Malawian were charging MK15,000 for the service and MK2,000 for transport per person.

5. THAT the ACB carried out investigations and the investigations revealed that—

(a) COLLINS MONTE NG'AMBI (the deceased) whose phone number was 09 939 886 was employed as a driver in the Department of Immigration and was based at Karonga Immigration Office. He was later transferred to Zomba;

(b) COLLINS MONTE NG'AMBI was working together with WESLEY STIFF MZUMARA and THOMAS KAZOMBO CHIBWE. They were both Senior Assistant Immigration Officers;

(c) WESLEY STIFF MZUMARA maintained a Bank Account with National Bank of Malawi, Mulanje Branch and First Merchant Bank and NBS Bank in Karonga. The Account Numbers were 0134175596200, 5111025556 and 0065484778011. Between 22nd April, 2008, and 16th September, 2008, over MK8,343,500.00 was deposited into the National Bank account and over MK2,120,000.00 was deposited into the NBS Account;

(d) THOMAS KAZOMBO CHIBWE had an account with National Bank of Malawi, Account Number 0141160847000. Between 17th January, 2008, and 29th September, 2008, money amounting to over MK13,935,990.50 was deposited in his account.

(e) through investigations the ACB discovered that the money was deposited by foreigners listed below—

(i) ALI MUHAMMAD JAMAA (Tel. No. 09348482);

(ii) DEBED KRESTOIR (Tel. No. 09363411);

(iii) SOLOMON DEGELA (09807632);

(iv) TOM DESSU (05302106);

(v) RETA DESSU (05302106);

(vi) JOHN ISADIK (09363411);

(vii) D. ANDRUE (09335548).

(f) the call logs from Zain (now Airtel) Malawi showed that the names listed above with their contact details were in constant touch with COLLINS MONTE NG'AMBI, THOMAS CHIBWE and WESLEY MZUMARA. COLLINS MONTE NG'AMBI, THOMAS CHIBWE and WESLEY MZUMARA were arrested for being found in possession of unexplained property contrary to s. 32 (2) (c) of the Corrupt Practices Act. Their property was seized. WESLEY MZUMARA was convicted by the Blantyre Magistrate Court and his property was forfeited to government. Both COLLINS MONTE NG'AMBI and THOMAS CHIBWE died in the course of trial;

(g) during investigations and immediately after arrest, the ACB searched the house of COLLINS MONTE NG'AMBI (deceased) and found documents which showed that he owned 8 houses in Karonga and Mzuzu. The houses were on plot numbers; KA/25/26, KA/529/3, KA/BA/VE/358-M19, KA/BA/VE 246-E14, KA/BA/VE 087 (C6), KA/MA11 005, KA/10/07 and CV/4/27;

(h) the documents showed that COLLINS MONTE NG'AMBI (deceased) acquired all the above mentioned houses between January and August, 2008, a period of seven months. The total amount of money used to acquire the houses was MK16,216,000.00. His official emoluments (salary and allowances) between January, 2007 and December, 2008, were MK443,555;

(i) the ACB suspected that COLLINS MONTE NG'AMBI (deceased) together with his aforementioned colleagues were assisting foreigners to illegally enter Malawi in return of money which he used to buy the houses. Unlike his fellow suspects COLLINS MONTE NG'AMBI did not maintain any bank account;

(j) COLLINS MONTE NG'AMBI was requested by the ACB to explain how he came to acquire the above mentioned houses but he failed to do so;

(k) the ACB had no choice but to institute criminal proceedings against COLLINS MONTE NG'AMBI on 8 counts of possession of unexplained property contrary to s. 32 (2) (c) of the Corrupt Practices Act;

(l) the ACB also restricted the aforementioned properties and later on obtained a seizure order under Miscellaneous Civil Cause Number 84 of 2009 in the High Court of Malawi, Lilongwe District Registry;

(m) COLLINS NG'AMBI twice applied to the High Court seeking an order to discharge the restriction orders but was unsuccessful. Similarly he was unsuccessful in his appeal to the Supreme Court of Malawi, as he could not convince the two courts on a balance of probabilities that he legitimately acquired the property.

#### Proceedings in the Magistrate Court

6. THAT COLLINS MONTE NG'AMBI was indicted in the Acting Chief Resident Magistrate Court sitting at Zomba before His Worship P.I.B Jeremiah (deceased).

7. THAT the accused, COLLINS MONTE NG'AMBI (deceased) was found with a case to answer and proceeded to enter his defense.

8. THAT at the time of his death, the trial had reached the stage where a judgment was to be delivered. A letter was written by HER WORSHIP KAYIRA to the Chief Immigration Officer indicating that judgment in respect of the case against COLLINS MONTE NG'AMBI was ready but could not be read on the basis of the death of the accused.

9. THAT the ACB perused the court record and read the undelivered judgment which shows that COLLINS NG'AMBI could have been convicted had the judgment been pronounced by the court.

10. THAT on 3rd July, 2014, Counsel ATANAZIO KAMWENDO made an application before WORSHIP KAYIRA for an order to discharge the accused person from the criminal charges on the basis of his death. The State did not object to the application and COLLINS MONTE NG'AMBI was discharged from the case by reason of death.

#### The Position of the State on the Seized Property

11. THAT on 31st May, 2017, the administrators of the estate of COLLINS NG'AMBI made an application for an order of discharge of the seizure orders and for an order that the property be handed back to the estate of COLLINS NG'AMBI. They argued that since the deceased was discharged there is no basis for the Director of ACB to keep on holding to the property.

12. THAT besides objecting to the above application the Director of ACB made an application for an order that the seized property be forfeited to government. The Director is of the strong view that the property was illegally obtained (tainted property) and therefore cannot be cleaned by reason of death of the accused person.

13. THAT in its judgment of 25th July, 2017, the High Court ordered that the application for a confiscation order be published in a *gazette* and a newspaper.

14. THAT the Director of ACB believes that the seized property is proceeds of crime and that this comes clear from the lower court record and unpronounced judgment convicting the deceased.

15. THAT under Regulation 3 (e) of the Corrupt Practices (Disposal of Recovered, Seized or Frozen Property), the High Court has powers to order seized property to vest in the state on an application by the Director of ACB notwithstanding the absence of a conviction.

16. THAT similarly the Money Laundering Proceeds of Serious Crime and Terrorist Financing Act, 2006 in section 60 as read with section 52 gives High Court powers to make a confiscation order in respect of any tainted property where an accused has died or absconds.

17. THAT Director of ACB strongly believes that this is an appropriate case where a confiscation order should be granted in the interest of justice.

WHEREFORE, it is our humble prayer to this Honourable Court to—

(a) review the court record in Criminal Case No. 212 of 2010, which record details the prosecution of COLLINS NG'AMBI (deceased) and declare that the seized property was proceeds of crime and therefore tainted property;


(b) make a confiscation order against all the seized property and any rents, charges, fees or dues in respect of the property including monies deposited in an interest earning holding account from the time the property was seized.

(c) award cost to the applicant.

SWORN by the Deponent this 8th day of March, 2018.

  
Deponent

Before, me

  
Sigale Beauty Chirwa LCM Plon,  
Legal Practitioner  
Commissioner for Oaths  
P.O. Box 569, Blantyre  
Commissioner for Oaths

GENERAL NOTICE NO. 18

**MALAWI GAMING BOARD****Request for Proposals for a Casino Licence in Blantyre, Malawi**

The Malawi Gaming Board (MGB) is inviting proposals for one Licence for Casino development in Blantyre, Malawi. This shall be done in accordance with the provisions of the Gaming Act, 1996 (Act No. 26 of 1996), as amended.

All procedural requirements are stipulated in a Request for Proposal (RFP) document that shall be released by the Malawi Gaming Board (MGB). The RFP also contains the evaluation criteria that will be applied by the MGB to award the Casino Licence.

The MGB is therefore requesting all interested parties to express their interest in writing by the 12th of April 2018 to

The Chairperson

Internal Procurement Committee

Malawi Gaming Board

Independence drive opposite Namiwawa Primary School

P.O. Box 3062

Blantyre, Malawi

Tel.: +(265) 1 821 522

Fax: +(265) 1 821 531

Email: mgb@gamingboard.org.mw

The aforesaid RFP can be obtained from the offices of the MGB upon a cash payment of MK50,000 (Fifty thousand Kwacha) or upon a bank transfer to the MGB's account with the following details.

Banker's name : National Bank of Malawi

Branch : Victoria Avenue

Account Name : Malawi Gaming Board

Account Number: 3020983

Swift Code : NBMAMWMO02

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